

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JOHNNY WHITE,

Plaintiff,

V.

FORSYTH ASSOCIATES REAL
ESTATE HOLDINGS 1, LLC,

Defendant.

Case No. 4:22-cv-01306

MEMORANDUM AND ORDER

This matter comes before the Court on its own motion. On December 6, 2022, the Court granted Plaintiff Johnny White's motion to proceed in forma pauperis. (Doc. No. 3). The Court further ordered the Clerk of Court to issue, and the United States Marshal Service (USMS) to serve process on Defendant Forsyth Associates Real Estate Holdings 1, LLC at 7927 Forsyth Blvd., Clayton, Missouri 63105.

Service was attempted by the USMS at 7927 Forsyth Blvd, Clayton, Missouri 63105 on three occasions. On January 25, 2023, the summons was returned unexecuted. (Doc. No. 4). The return of summons noted that service was attempted on December 8, 2022; January 6, 2023; and January 20, 2023. The return of summons also included the notation “no answer at business after three endeavors.”

In cases where a litigant is proceeding in forma pauperis, “[t]he officers of the court shall issue and serve all process.” 28 U.S.C. § 1915(d). This provision is compulsory. *Moore v. Jackson*, 123 F.3d 1082, 1085 (8th Cir. 1997). As such, a litigant proceeding in

forma pauperis is entitled to rely on service by the USMS. *See Wright v. First Student, Inc.*, 710 F.3d 782, 783 (8th Cir. 2013). Once an in forma pauperis plaintiff has taken reasonable steps to identify the defendants, the court must issue plaintiff's process to the USMS, who must then effectuate service. *Id.* However, it is plaintiff's responsibility to provide the information necessary for service on the defendants. *See Lee v. Armontrout*, 991 F.2d 487, 489 (8th Cir. 1993) (affirming dismissal of defendants for whom plaintiff did not "provide proper addresses for service."); *see also Beyer v. Pulaski Cty. Jail*, 589 Fed. Appx. 798, 799 (8th Cir. 2014) (stating that "a plaintiff bears the burden of providing proper service information.")

In this case, Plaintiff provided a business address for Defendant. The Court directed the USMS to issue process on Defendant at that location. The USMS attempted to effectuate service at the business address provided by Plaintiff on three occasions.

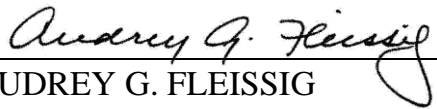
Plaintiff bears the responsibility of providing adequate information so that Defendant can be served. In this regard, the Court notes that Plaintiff is represented by counsel. Therefore, Plaintiff will be given **thirty (30) days** from the date of this order in which to provide adequate information regarding either the name or addresses of Defendant so that service can be effectuated.

If Plaintiff cannot provide **additional** information regarding Defendant to effectuate service, Defendant may be dismissed from this action without prejudice. *See Fed. R. Civ. P. 4(m)*. Failure to comply within **thirty (30) days** may also result in the dismissal of this action without prejudice.

Accordingly,

IT IS HEREBY ORDERED that within **thirty (30) days** of the date of this order, Plaintiff shall provide adequate information with which to serve Defendant Forsyth Associates Real Estate Holdings 1, LLC.

Failure to comply with this order may result in dismissal of this action without prejudice.



AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE

Dated this 26th day of January, 2023.